

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 2 and 5-9 are cancelled. Claims 1, 3-4 and 10 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 1 and 10 have been amended to place the application in condition for allowance, and claim 4 has been amended to have the claim better conform to the requirements of U.S. practice. It is therefore submitted that this Amendment should be entered.

In the Office Action, the Examiner rejected claims 1, 3, 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Reeder (International Publication No. WO 97/14085) in view Grundy (U.S. Patent No. 5,375,240) and in view of Oshima (U.S. Patent No. 6,081,785). Applicant submits that the claims are patentably distinguishable over the cited references.

Independent claim 1 calls for:

database management means for storing a database that includes individual information of a user, information regarding a range of access limitations to the software program, and information regarding a condition of access to the software program, the database being searchable using the individual identification code as a search key, the information regarding the range of access limitations including a plurality of supplemental pay functions, the information regarding the condition of access including an associated number of purchased counts and an associated number of used counts for a given one of the plurality of supplemental pay functions, the associated number of purchased counts indicating the number of prepaid accesses to the given one of the plurality of supplemental pay functions and the associated number of used counts indicating the number of prior accesses to the given one of the plurality of supplemental pay functions, said database management means including:

fee charging means for charging a fee to add to the associated number of purchased counts for the

*given one of the plurality of supplemental pay functions, the software program being accessed for free unless access to the given one of the plurality of pay functions is requested; (emphasis added)*

and claim 1 also calls for:

said software program providing system authorizing said user terminal to access the software program stored in said removable storage medium based on the information regarding the range of access limitations, *the associated number of purchased counts exceeding the associated number of used counts*, and the information searched using the individual identification code as the search key, said database management means reading the individual identification code from said removable storage medium installed in said user terminal through said information communication means[.](emphasis added)

The Examiner contends that Reeder discloses that information regarding condition of access includes purchase counts and use counts, and the Examiner refers to page 10, lines 17-27 and 31-34; page 11, lines 8-19; and page 11, line 31 to page 12, line 14 of Reeder. The cited portions of Reeder, however, do not disclose or suggest information regarding the condition of access in the manner defined above in claim 1, do not disclose or suggest an associated number of purchase counts in the manner defined above in claim 1, and do not disclose or suggest an associated number of use counts in the manner defined above in claim 1. Moreover, Reeder neither discloses or suggests authorizing a user terminal to access a software program based on an associated number of purchase counts exceeding an associated number of use counts, as defined above in claim 1.

The Grundy and Oshima patents do not address the above-described deficiencies of Reeder.

It follows that neither Reeder, Grundy, nor Oshima whether taken alone or in combination, discloses or suggests the system defined in claim 1, and claim 1 is therefore patentably

distinct and unobvious over the cited references.

Claims 3 and 4 depend from claim 1 are distinguishable over the cited art for at least the same reasons.

Independent claim 10 recites:

*fee charging means for charging a fee to modify the information regarding a condition of access to the software program by obtaining a number of prepaid accesses to only a selected one of the plurality of supplemental pay functions, the software program being accessed for free unless access to one of the plurality of pay functions is requested;*  
(emphasis added)

and further recites:

*said software program providing system authorizing said user terminal to access the software program stored in said removable storage medium based on the information regarding the range of access limitations, the number of prepaid accesses to the selected one of the plurality of supplemental pay functions exceeding the number of prior accesses to the selected one of the plurality of supplemental pay functions, and the information searched using the individual identification code as the search key, said database management means reading the individual identification code from said removable storage medium installed in said user terminal through said information communication means[.]* (emphases added)

Claim 10 is therefore patentably distinguishable over Reeder, Grundy and Oshima for at least the same reasons.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in

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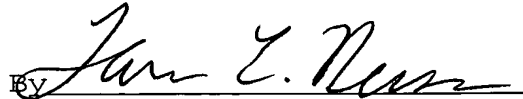
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order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

  
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